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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,348	10/31/2001	Dean R. Potts	99-633	2204

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PATENT DEPT.  
PEORIA, IL 616296490

EXAMINER

SINGH, SUNIL

ART UNIT PAPER NUMBER

3673

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/001,348

Applicant(s)

POTTS, DEAN R.

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-14, 23 and 26 is/are rejected.
- 7) ☒ Claim(s) 4-10 and 15-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 11, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wall '943 in view of Anderegg et al. (US 6431790) or Borsutzki et al. (US 3719094).

Wall discloses a work machine comprising a compacting drum (see col. 1 line 7), a vibratory mechanism (see Figs. 1-3) that includes a first eccentric weight (34) and inner shaft (36), a second eccentric weight (28, 14, 14a) and outer shaft (16, 16a, 20, 20a), a gear box (12), said gear box adapted to index said second eccentric weight relative to said first eccentric weight, a motor (see col. 3 line 20) connected to the gear box. Wall discloses the invention substantially as claimed. However, Wall lacks a planetary gear box wherein said planetary gear box has first and second planetary arrangements. Anderegg et al. and Borsutzki et al. both teach a planetary gear box wherein said planetary gear box has first and second planetary arrangements (see Fig. 8, col. 10 lines 30+ and Fig. 1 respectively). It would have been considered obvious to one skilled in the art to modify Wall by substituting the indexing mechanism (planetary gear mechanism) as taught by either Anderegg et al. or Borsutzki et al. for the indexing mechanism (planetary gear mechanism) as disclosed by Wall since it is a design choice to substitute one indexing mechanism for another indexing mechanism. Such an

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arrangement allows for a motor to be used as the driving means for the indexing structure.

The recited method steps are considered to be obvious in view of the combination as described above.

3. Claims 1-3, 11, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goehler et al. '780 in view of Anderegg et al. (US 6431790) or Borsutzki et al. (US 3719094).

Goehler et al. discloses a work machine comprising a compacting drum (see abstract line 2), a vibratory mechanism (see Figs. 1, 1a, 2) that includes a first eccentric weight (60) and inner shaft (58, 58'), a second eccentric weight (54) and outer shaft (32, 50), a gear box (14), said gear box adapted to index said second eccentric weight relative to said first eccentric weight, a motor (36) connected to the gear box. Goehler et al. discloses the invention substantially as claimed. However, Goehler et al. lacks a planetary gear box wherein said planetary gear box has first and second planetary arrangements. Anderegg et al. and Borsutzki et al. both teach a planetary gear box wherein said planetary gear box has first and second planetary arrangements (see Fig. 8, col. 10 lines 30+ and Fig. 1 respectively). It would have been considered obvious to one skilled in the art to modify Goehler et al. by substituting the indexing mechanism (planetary gear mechanism) as taught by either Anderegg et al. or Borsutzki et al. for the indexing mechanism (planetary gear mechanism) as disclosed by Goehler et al. since it is a design choice to substitute one indexing mechanism for another indexing mechanism. Such an arrangement allows for a motor to be used as the driving means for the indexing structure.

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The recited method steps are considered to be obvious in view of the combination as described above.

4. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wall in view of Anderegg et al. or Borsutzki et al. as applied to claim 11 above, and further in view of Swanson et al. or Staffenhagen et al. (US Pub. 2003/0021629 A1, 2002/0172556 A1).

Wall (once modified) discloses the invention substantially as claimed. However, the (once modified) Wall is silent about a first power source (hydraulic/electric) connected to a propel motor and a second power source (hydraulic/electric) connected to the vibratory motor. Swanson et al. and Staffenhagen et al. both teach a first power source (hydraulic/electric) connected to a propel motor and a second power source (hydraulic/electric) connected to the vibratory motor. It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Wall to include the above teachings of a first power source (hydraulic/electric) connected to a propel motor and a second power source (hydraulic/electric) connected to the vibratory motor as taught by either Swanson et al. or Staffenhagen et al. since such an arrangement allows the operator of the working machine to easily control the amount of vibration delivered to the soil.

5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goehler et al. in view of Anderegg et al. or Borsutzki et al. as applied to claim 11 above, and further in view of Swanson et al. or Staffenhagen et al. (US Pub. 2003/0021629 A1, 2002/0172556 A1).

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Goehler et al (once modified) discloses the invention substantially as claimed. However, the (once modified) Goehler et al is silent about a first power source (hydraulic/electric) connected to a propel motor and a second power source (hydraulic/electric) connected to the vibratory motor. Swanson et al. and Staffenhagen et al. both teach a first power source (hydraulic/electric) connected to a propel motor and a second power source (hydraulic/electric) connected to the vibratory motor. It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Goehler et al to include the above teachings of a first power source (hydraulic/electric) connected to a propel motor and a second power source (hydraulic/electric) connected to the vibratory motor as taught by either Swanson et al. or Staffenhagen et al since such an arrangement allows the operator of the working machine to easily control the amount of vibration delivered to the soil.

#### ***Allowable Subject Matter***

6. Claims 4-10, 15-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 11, 23 have been considered but are moot in view of the new ground(s) of rejection.

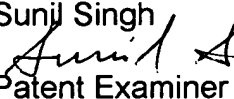
#### ***Conclusion***

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh  
  
Patent Examiner  
Art Unit 3673

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SS

11/4/03